



Alexander D. Newman

Akerman LLP
1251 Avenue of the Americas
37th Floor
New York, NY 10020

D: 212 822 2256
DirF: 212 259 8518
alexander.newman@akerman.com

March 8, 2023

VIA ECF

Hon. John P. Cronan
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

**Re: *Sire Spirits, LLC v. Mitchell Green*, No. 21-CV-7343-JPC
Letter Motion to Redact Personal & Financial Information from Account Statements**

We represent Petitioner Sire Spirits, LLC ("Sire Spirits") in the above-captioned matter. Pursuant to Your Honor's Individual Rule 4.B, Sire Spirits respectfully submits this letter motion to temporarily file in redacted form copies of Respondent Mitchell Green's monthly retirement account statements. Sire Spirits believes such documents should ultimately be unredacted and made public, but Green designated these documents as "CONFIDENTIAL." This request is in connection with Sire Spirits' forthcoming letter motion requesting that this Court order the turnover of Green's contributions to his retirement accounts made during the statutorily non-exempt period as defined in CPLR 5205(c)(5)(i).

Although Sire Spirits does not believe these documents need to be redacted, Sire Spirits' counsel contacted Green's counsel and informed them that if they did not hear from them by a certain time, Sire Spirits would file the documents redacting all specific financial amounts. Sire Spirits has not received a response from Green's counsel as of the filing of this letter motion, and thus files the documents in redacted form until Green has an opportunity to submit his position to this Court.¹

Redacted versions of the two documents at issue—two sets of Green's retirement account statements—are attached as Exhibits E and F to Sire Spirits' Letter Motion Requesting Turnover Order of Non-Exempt Retirement Contributions, and are also attached to the Declaration of Alexander D. Newman in Support of Sire Spirits' Letter Motion to Redact, filed herewith. Unredacted copies of the documents with the proposed redactions highlighted are attached to the

¹ This Court's individual rules provide: "When a party seeks leave to file a document under seal or in redacted form on the ground that an opposing party or third party has requested it, the opposing party or third party must file publicly on ECF, within three business days, a letter explaining the need to seal or redact the document." Individual Rule 4.B.ii.

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same declaration with a viewing level restricted to the parties on ECF as required by Electronic Case Filing Rules & Instructions Rule 6.8. The proposed redactions are limited the account balances reflected on Green's monthly statements and other related information showing the dollars amounts or shares on deposit in his retirement accounts.

"The common law right of public access to judicial documents is firmly rooted in our nation's history." *Lugosch v. Pyramid Co. of Onodaga*, 435 F.3d 110, 119 (2d Cir. 2006) (citing *United States v. Amodeo*, 44 F.3d 141, 145 (2d Cir. 1995)). In order to determine the propriety of a document being sealed or redacted, the Court must first determine if the document is a "judicial document" where there is a presumption of public access, and then balance this presumption against various countervailing factors. *Id.* at 119–20; *U.S. v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995). Even non-public financial information can be required to be filed publicly if there is no "privacy interests or concrete harms that outweigh the presumption of public access." *In re Google Digital Advert. Antitrust Litig.*, No. 21-CV-6841 (PKC), 2021 WL 4848758, at *3 (S.D.N.Y. Oct. 15, 2021). Here, the broad presumption of public access requires that Green's retirement account statements be filed publicly in unredacted form, particularly because Green is a party to this action; this Court entered an Amended Final Judgment against Green in the amount of \$6,283,598.50 plus pre- and post-judgment interest (Dkt. 54); and Green put his own financial statements and worth at-issue in this action (Dkts. 47, 64).

For the foregoing reasons, this Court should order that Green's retirement account statements be filed publicly in unredacted form.

Sincerely,

/s/ Alexander D. Newman

Alexander D. Newman

cc: Counsel of Record (via ECF)

The request to temporarily file the materials in redacted form is granted. Green shall file a letter indicating his position on the redactions by March 15, 2023. The Clerk of Court is respectfully directed to close the motion pending at Docket Number 73.

SO ORDERED.
Date: March 9, 2023
New York, New York


JOHN P. CRONAN
United States District Judge